

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRACT ID CODE		PAGE OF PAGES 1 1	
2. AMENDMENT/MODIFICATION NO. 0001		3. EFFECTIVE DATE 1/12/2005		4. REQUISITION/PURCHASE REQ. NO. N/A	
5. PROJECT NO. (If applicable)		6. ISSUED BY Office of Thrift Supervision Department of Treasury 1700 G Street, N.W. Procurement Management Washington, D.C. 20552		7. ADMINISTERED BY (If other than Item 6)	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State, and ZIP Code)		(✓) X		9A. AMENDMENT OF SOLICITATION NO. OTSDC200500001A	
				9B. DATED (SEE ITEM 11) 12/17/2004	
				10A. MODIFICATION OF CONTRACT/ORDER NO.	
				10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS					

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, X is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning \_\_\_\_\_ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter of telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

**13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS,  
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

(✓)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b)
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Telephone conversation with COMPAQ Joyce Anderson March 14, 2002
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor X is not, ☐ is required to sign this document and return \_\_\_\_\_ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

See Page 2.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type of print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or Print)	
		Isabel Roman-Cogswell	
15B. CONTRACT/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
(Signature of person authorized to sign)		(Signature of Contracting Officer)	1/12/2005

NSN 7540-01-152-8070  
PREVIOUS EDITION UNUSABLE

**STANDARD FORM 30 (REV. 10-83)**  
Prescribed by GSA  
FAR (48 DFR) 53.243

OTS SOLICITATION NO. OTSDC200500001A  
Amendment 0001

AS STATED IN THE SOLICITATION, PROPOSALS ARE DUE AT 4:00PM on January 24, 2005 AT OTS.

*PLEASE NOTE: ALL OFFERORS (SMALL BUSINESSES AND INDIVIDUALS) ARE REQUIRED TO SUBMIT THE DOCUMENTS AS SPECIFIED IN SECTION L.12 AND REPEATED IN THIS AMENDMENT FOR YOUR CONVENIENCE. YOU WILL NOT BE ELIGIBLE TO RECEIVE AN AWARD WITHOUT PROVIDING ALL THE INFORMATION REQUIRED IN SECTION L.12.*

PLEASE NOTE: ALL CHANGES TO THE EXISTING SOLICITATION ARE UNDERLINED.

***PLEASE NOTE: The Independent Government Estimate Hourly Labor Rate of \$55. per hour is provided for your information.***

Subject solicitation is hereby modified as follows:

1. Section B2 CONTRACT TYPE is corrected to read as follows:

Contracts resulting from this request for proposal (RFQ) will be Indefinite Delivery/Indefinite Quantity (IDIQ) Task Order contracts with pre-negotiated fixed billing rates and not-to exceeds travel in accordance with the Office of Thrift Supervision (OTS) Travel Policy

Task Orders will be issued either on a firm-fixed price basis to complete an entire task or may be issued on a labor hour completion basis. If a task order is issued on a labor hour basis the OTS will specify a maximum amount of hours that the contractor has to complete the services under the task **and provide the report associated with the Task.**

Services provided under the resultant contracts can be ordered only by an authorized OTS Contracting Officer issuing individual task orders against an awarded contract or by the designated Technical Point of Contact specified in the contract as described in **Section H.14.**

## 2. Section B3 CONTRACT SERVICES HOURLY RATE

Both the firm-fixed price and labor hour type task orders will be issued utilizing the key personnel hourly rates negotiated and specified in the resultant contracts. Proposed hourly rates must be fully loaded (i.e. overhead, general and administrative expenses (G&A), and profit).

**Payments by the OTS for services provided under this contract will be in accordance with the payment terms stated in the task order or technical direction letter.**

The OTS will not make payment for any holidays not worked or any travel time incurred. Contractor travel expense shall be reimbursed based on and within the guidelines of the OTS Travel Policy.

## 3. Section H.14 TASK ORDER ISSUANCE PROCEDURES

**a. Replace "Statement of Work" with "Performance Work Statement".**

**b. Delete "It is necessary to place an order to satisfy a minimum guarantee". Please note that award of a contract does not guarantee the awardees will be awarded any task orders.**

4. The title to "Section I.5 OPTION TO EXTEND SERVICES (MAR 1999)" is replaced by I.5 OPTION TO EXTEND SERVICES (NOV 1999) 52.217-8.

5. Add the clause number to "Section I6 OPTION TO EXEND THE TERM OF THE CONTRACT 52-217-9".

## 6. Section K.8 SMALL BUSINESS PROGRAM REPRESENTATIONS

(a)(1) is modified to included the small business standard is \$150 Million).

7. The date to " FAR 52.222-21 is corrected in the title "CERTIFICATION OF NONSEGREGATED FACILITIES FEB 1999."

8. The following questions and answers are provided:

Q1. Is the contract examiner program strictly for business units and not for individuals?

**A1. Individuals as well as small businesses may submit a proposal.**

Q2. If an individual examiner can be part of the proposal, is there another format for the individual offeror that will be issued in the future by OTS, or would I have to formulate my interest within the small business solicitation issued December 17, 2004?

**A2. All responses must be in the same format required in Section L of the solicitation.**

Q3. With respect to proposed Key Personnel:

- a. Can we propose the same candidate (key personnel) for more than one Labor Category?
- b. Can we propose more than one candidate for a particular Labor Category?
- c. Can we propose no candidates for a particular Labor Category?

**A3. With respect to proposed Key Personnel:**

- d. Yes, you may propose the same candidate (key personnel) for more than one Labor Category?
- e. Yes, you may propose more than one candidate for a particular Labor Category?
- f. Yes, you may propose no candidates for a particular Labor Category?

Q4. With respect to Past Performance Records (PPRs):

- g. Is there a maximum number of PPRs we can submit? If so, what is the maximum?
- h. Should the PPRs be related to (i.e. a description of) work/assignments performed/conducted by each of our proposed Key Personnel, or should they be related to work/assignments conducted by our firm (which may not be the same)

**A4. With respect to Past Performance Records (PPRs):**

- i. Yes, please provide 3 PPRs as indicated in Section L.
- j. For offerors who will provide employees to perform work under this contract, this evaluation will include the Offerors' organizational PPRs records in addition to the past performance of the designated key personnel.

Q5. Regarding the referenced RFP, I will be one of the key personnel included in an application to be made by a partnership. For various reasons, I would also like to submit an application as a lone individual. Is this

allowable? If it is allowable, are there any additional steps I should take to avoid confusion, delay, etc., in the processing of my application?

**A5. No, an individual may not be included in proposals by a small business and submit a separate proposal as an individual contractor.**

Q6. With respect to Section J - Attachments, could you please clarify which forms are to be completed by each of the proposed Key Personnel, and which forms are to be completed by an authorized officer/employee on behalf of our firm? Our understanding is as follows:

- a. Statement of Confidentiality (i.e. Page 1 of 7) - to be completed by each of the proposed Key Personnel;
- b. Conflict of Interest Certification (i.e. Page 3 of 7) - to be completed by an authorized officer/employee on behalf of our firm;
- c. Ethics and Financial Disclosure Certification (i.e. Page 4 of 7) - to be completed by each of the proposed Key Personnel;
- d. "Confidential Supplemental Financial Disclosure" (OTS 1569), and "Executive Branch Confidential Financial Disclosure Report" (OGE 450) (referred to on Page 7 of 7) - to be completed by each of the proposed Key Personnel, but will not be required until a contract is awarded (i.e. **need not be** submitted with the proposal).

We would appreciate if you would please confirm.

**A6. All of the forms listed above and otherwise referenced in the solicitation must be completed by each of the proposed Key Personnel and should also be completed by an authorized officer/employee on behalf of our firm. All the above forms must be submitted with your proposal in order to be eligible for award.**

Q7. Assume that ABC is a partnership with 6 key personnel and that it is awarded a contract by OTS. Assume further that ABC is subsequently invited to submit a proposal in response to a Request for Task Proposal on a specific job requiring 4 people. Assume further that ABC submits a proposal showing all 6 key personnel as qualified for that particular assignment. If OTS selects ABC for the job, would OTS decide which of the key personnel to select for

the assignment, or would that be left up to the discretion of ABC? And what if all 6 key personnel had identical hourly rates? And what if the hourly rates for the 6 people were different from each other?

**A7. Based on your assumptions, the contractor would be required to submit a proposal that is responsive to the specific Request for Task Proposal. The contractor is responsible for proposing the best qualified key personnel to complete the task at the most advantageous rates. The government would evaluate the proposal and award a task order to the most advantageous offeror.**

Q8. The solicitation makes it clear that OTS will not provide supplies or equipment. I would naturally assume that applicants awarded a contract will need a laptop computer. Will there be any minimum memory requirements or specific software requirements to effectively function as a contractor?

**A8. The equipment used by the contractor must be sufficient to complete the work as required in the task order or the technical direction letter. The report format should be compatible with Microsoft Word 2000.**

Q9. Regarding K.8 (a) (2), I can't figure out what the size standard should be. I believe this will be a "services" contract so therefore I assume the stated standard of 500 employees should not apply.

**A9. The size standard is \$150 Million.**

Q10. I am not entirely clear on what you expect to be covered in the "Contractor Offering Letter" that is to be included as part of Volume I. I would assume it should include a simple statement offering to perform the services described in the solicitation. I understand that pricing is not to be included in the letter. I suspect you might want something more than this, but I don't know what that would be. Can you clarify please?

**A10. A statement offering to enter into a contract to perform the desired work will suffice for the letter. However, please remember to include the other information required for Volumes II and III.**

Q11. Regarding the Section K certification, K.10 (a) refers

to the " . . . Equal Opportunity clause of this solicitation". Based on the content of 52.222-25, should the words "Equal Opportunity" be "Affirmative Action"?

**A11. Section K.10 should read as follows:**

**52.222-25 Affirmative Action Compliance (Apr 1984)**

**The offeror represents that-**

**(a) It \_\_\_ has developed and has on file, \_\_\_ has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2); or**

**(b) It \_\_\_ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.**

Q12. I have a question regarding the Executive Branch Confidential Financial Disclosure Report. The first page of the report makes it clear that it is intended ONLY for EMPLOYEES of the Executive Branch, or in this case, the OTS. I am not and will not be an employee of the OTS. So - how can I put my name in the very first box on the form which asks for "Employee's Name"? Should I assume you want me to do this?

**A12. As stated in Section J, "All Persons working on a thrift examination services contract will be considered "federal government employees" who must comply with applicable OTS ethics regulations during their period of service. For the purposes of this contract, please complete the form. It is understood by OTS that you are not an "Employee" of OTS.**

Q13. Is the contract examiner program designed for business firms and not for individuals to apply?

**A13. Both individuals and small business firms can submit proposals for the contract examiner program.**

Q14. If an individual former OTS examiner (such as myself can apply) is there another format for application? (The reason for this question is that I do not understand how an

individual can utilize the small business solicitation issued December 17, 2004.)

A14. There is no other format for individuals to use. All contractors must submit a proposal that meets the requirements listed in Section L of the solicitation.

The instructions are repeated below for your convenience:

#### L.12 PROPOSAL PREPARATION INSTRUCTIONS

##### VOLUME I, OFFER AND OTHER DOCUMENTS

###### (a) General

Volume I, Offer and other Documents consists of the actual Contractor offering letter to enter into a contract to perform the desired work. It also includes:

1. a completed and signed Standard Form 33
2. required Representations of Section K of the solicitation
3. all certifications and acknowledgments requested in the solicitation
4. a summary of exceptions taken to the solicitation document
5. any other administrative information required

(b) Acceptance Period. The acceptance period entered on the Standard Form 33 by the offeror shall not be less than 120 days.

(c) Signature Authority. The person signing the Standard Form 33 must have the authority to commit the offeror to all of the provisions of the proposal, fully recognizing that the Government has the right, by terms of the Solicitation, to make an award without further discussion if it so elects.

##### VOLUME II, TECHNICAL PROPOSAL



Volume II, Technical Proposal, shall include the following components:

1. Key Personnel Resumes outlining relevant skills, experience, and education. Each resume submitted must be no more than 2 8.5X11 pages in length with the following format:

The Labor Category for which you are to be considered  
(from Section C Labor Category Qualifications)

Name

Business address

Education

Any Certifications held

Relevant skills and work experience

2. Past Performance discussion. This section shall contain brief descriptions of three projects of relevant scope and complexity performed by each key personnel proposed. If no past performance information is provided, offeror will be negatively impacted. If the offeror is a new firm with no past performance information, the offeror will be treated neutrally. For this solicitation, a new firm is defined as a company that has been established within the past two years from the date of the offeror's proposal. The contractor shall provide the following information for each of the three required projects.

Customer's Name:

Customer's Contracting Officer or Contact Person:

Name: Title:

Address:

(Area Code) Telephone No.:

Contract Number:

Place of Performance:

Period of Performance:

Brief Description of Services Provided:

Total Amount of Contract:

### VOLUME III, PRICE PROPOSAL

#### (a) General

(1) The Price Proposal , Volume III, consists of the offeror's price to perform the work as set forth in the Performance Work Statement. The Price Proposal will be evaluated to determine the reasonableness of price for each labor category. Contractual Price information is not to be included in the Technical Proposal, Volume II, or the Offer and Other Documents, Volume I.

#### L.13 RESPONSIBLE PROSPECTIVE CONTRACTORS

(a) The general and additional minimum standards for responsible prospective contractors set forth at 48 CFR 9.1 apply.

(b) OTS may conduct preaward surveys in accordance with 48 CFR 9.106 and may solicit from available sources, relevant information, and use such information in making determinations of prospective offeror responsibility.

Q15. Does the contract examiner program expect former examiners (or anybody else) to contact small business firms that specialize in audit work and offer their services to that firm?

A15. No, individuals may submit a proposal directly to OTS.

Q16. The material identifies a deadline in January 2005 for submission of applications/materials to participate in this program. If I want to retire from OTS mid-year 2005, would I be able to join this program at this time, or is January the only month for applications?

A16. If you are presently working for OTS, you would not be eligible for "Phase I" of this program for which proposals are due at 4:00PM on January 24, 2005. We may have other "Phases" of this requirement, which would have later closing dates.

Q17. **H.2-Security Forms.** (Page 18) My understanding that the security forms (SF 85, FD-258, and Declaration for Federal Employment) are not required with the proposal and

that they will be requested following issuance of the contract. Is this true?

**A17. Yes. As stated under Section H.2 Security Investigations, the Contractor/key personnel providing services under this purchase order must complete and submit security suitability forms. These forms will be provided after contract award and must be submitted prior to the commencement of work. The OTS will review suitability information in determining task order award.**

Q18. Attachment J–Page 5 (page 35) lists several ethics issues including filing of two Financial Disclosure Forms (OTS 1569 and OGE 450). Are these forms required with the proposal? Alternatively, are they to be forwarded after receipt of a contract like the three security forms?

**A18. All forms listed in Section J and referenced in Section J must be included with your proposal.**

**These forms include:**

- ACCESS TO CONFIDENTIAL OR SENSITIVE INFORMATION
- CONFLICT OF INTEREST CERTIFICATION FOR THRIFT EXAMINATION SERVICES
- ETHICS AND FINANCIAL DISCLOSURE CERTIFICATION
- OTS CONFIDENTIAL SUPPLEMENTAL FINANCIAL DISCLOSEURE (OTS 1569)
- EXECUTIVE BRANCH CONFIDENTIAL FINANCIAL DISCLOSURE REPORT

Q19. We are a little confused on the Small Business aspects as stated in L.9 of the RFP as follows:

**L.9 SMALL BUSINESS SIZE STANDARD AND SET-ASIDE INFORMATION (UNRESTRICTED)**

This acquisition is restricted to small businesses under NAIC Code 522120 with a size standard of \$150 Million or less annual gross receipts.

Our question is this NAIC code is for Savings Institutions. We are a CPA firm with a NAIC code of 541211. We understand the revenue minimum for this code is \$7,000,000. We have over \$7,000,000 in revenue including our consultancy. Can we bid on this proposal? Note the title of L.9 states (UNRESTRICTED).

**A19. This acquisition is restricted to small businesses under NAIC Code 522120 with a size standard of \$150 Million or less annual gross receipts. Companies or individuals with annual gross receipts of under \$150 Million may propose.**

Q20. If a vendor is selected to perform a task or statement of work (SOW), would the work be performed at the client's site (i.e. at one of the OTS's regional offices - Atlanta, GA; Dallas, TX; Jersey City, NJ; or Daly City, CA) or at the vendor's site (i.e. the vendor has an office in Dallas, TX and performs the work at that office with representatives of the client visiting that office when necessary)? Furthermore, if the work is to be performed at the client's site, are client sites relegated to the cities of the regional offices (e.g. Atlanta, Dallas, Jersey City, and Daly City) or are client sites nationwide, thus depending on the specific of the SOW?

**A20. The work is performed at Client Sites Nationwide, depending on the specifics of the Performance Work Statement (PWS).**

Q21. Under C5 of the RFP you indicate items 1,3,4,7 & 8 the personnel have to "certified by one of the financial institution regulators" We do not have any staff holding those certifications, but did have this very contract back in the late 1980s and 1990s with the OTS. I in fact was the partner on the examinations when I was with Grant Thornton LLP. Can we propose on the RFP without the certifications required by C5?

**A21. No, all key personnel must meet the requirements specified in C.5 Labor Category Qualifications.**

Q22. I currently provide outsourced consulting services for 4 OTS regulated institutions. I assume that I will continue to do this but be recused from performing contract exam work. Is this correct?

A22. Please complete the forms as appropriate and each form will be reviewed and feedback will be provided as appropriate at time of contract award.

Q23. I currently own stock in some of these same institutions, the RFP indicates that I can not purchase stock but is silent about whether the

existing stock would have to be liquidated. Can you clarify?

**A23. Please complete the forms as appropriate and each form will be reviewed and feedback will be provided as appropriate at time of contract award.**

**PLEASE NOTE THAT NO FURTHER QUESTIONS WILL BE ACCEPTED BEFORE CLOSING.**